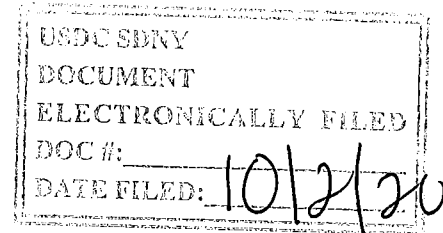


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
DARRELL KING,

Plaintiff,

v.

CITY OF BEACON POLICE DEPARTMENT;  
and CITY OF BEACON,Defendants.  
-----X**ORDER**

20 CV 5815 (VB)

*OTTCNS 1 10/2/20*  
Copies Mailed/Faxed  
Chambers of Vincent L. Briccetti *VB*

By Order dated September 15, 2020 (Doc. #9), the Court instructed plaintiff to notify the Court by no later than September 21, 2020, whether he intended to file an amended complaint in response to defendants' September 11, 2020, motion to dismiss. The Court also ordered plaintiff's counsel to file a notice of appearance by September 21, 2020, and directed defense counsel to serve a copy of the September 15, 2020, order on plaintiff's counsel. Defense counsel filed an affidavit of service on September 15, 2020, indicating service upon plaintiff's counsel by mail.

To date, plaintiff's counsel has not filed a notice of appearance, nor has plaintiff informed the Court whether plaintiff intends to file an amended complaint in this action or to rely on the initial complaint. Moreover, plaintiff has not filed an opposition to the motion to dismiss, the deadline for which was September 25, 2020. See Local Civil Rule 6.1(b).

The Court sua sponte extends plaintiff's time to comply with the Court's September 15, 2020 order to October 15, 2020. By no later than October 15, 2020, plaintiff's counsel shall either: (i) inform the Court of plaintiff's intent to file an amended complaint, or (ii) oppose the pending motion to dismiss. In addition, by no later than October 15, 2020, plaintiff's counsel shall file a notice of appearance in this action.

If by October 15, 2020, plaintiff fails to inform the Court that he intends to file an amended complaint, or, alternatively, fails to oppose the motion, the Court will consider the motion unopposed and will decide the motion in due course.

Because plaintiff's counsel has not yet appeared in this action, and therefore will not receive a notice of electronic filing of this Order, the Court will mail a copy of this Order to plaintiff's counsel at the address listed on the removed complaint. The Court will also email a copy of this order to plaintiff's counsel via the email address listed on her website.

Dated: October 1, 2020  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti".

Vincent L. Briccetti  
United States District Judge